

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Application by
Lakehead Pipe Line Company, Limited
Partnership, for a Certificate of Need
for a Large Petroleum Pipeline Facility

FIRST PREHEARING
ORDER

A prehearing conference was held before Allan W. Klein, Administrative Law Judge, on April 9, 1998 in St. Paul, Minnesota.

Appearing on behalf of the Applicant, Lakehead Pipe Line Company, Limited Partnership, was Leo G. Stern of the firm of Fredrikson & Byron, 1100 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3397. Also appearing on behalf of the Applicant was Paul W. Norgren, General Counsel and Assistant Secretary, Lakehead Pipe Line Company, Inc., 400 Lake Superior Place, 21 West Superior Street, Duluth, Minnesota 55802. Appearing on behalf of the Minnesota Department of Public Service was Julia E. Anderson, Assistant Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130. Appearing on behalf of the staff of the Commission was David Jacobson, Minnesota Public Utilities Commission, Suite 350, 121 Seventh Place East, St. Paul, Minnesota 55101-2147.

Discussion was held among the participants and, having considered all the comments, the Administrative Law Judge makes the following Prehearing Order.

I. SCHEDULE AND INTERVENTION

Intervenors shall file Direct Testimony by May 20, 1998. A combined public and evidentiary hearing in this matter will commence at 7:00 p.m. on June 10, 1998, in Thief River Falls at a location to be determined. The hearing will reconvene at 9:00 a.m. on June 11. Members of the public shall be given preference at both of the hearings. When all members of the public have spoken, then evidence will be taken from the parties.

Members of the public need not become formal parties to participate in the hearing. But any person desiring to become a formal party must file a petition to intervene with the Administrative Law Judge and the other parties. The petition must comply with the standards in Minn. Rule pt. 1400.6200.

II. STIPULATION

The parties will attempt to reach a stipulation as to some or all of the facts and issues in this matter prior to the hearing. The Administrative Law Judge may schedule one or more telephone conferences prior to the hearing date in order to determine the status of the stipulation and resolve outstanding issues.

Parties will be requested to file proposed Findings of Fact, and Conclusions of Law on a date to be determined at the close of the hearing.

III. PREFILED TESTIMONY

Prefiled Testimony will be marked as an exhibit and offered for admission into the record. Prefiled Testimony which is amended, or not offered into the record, shall be considered withdrawn and no witness shall be cross-examined concerning any withdrawn testimony. Any new affirmative matter that is not offered in reply to another party's direct case will not be allowed in Rebuttal Testimony and exhibits. Similarly, Surrebuttal Testimony and exhibits (if any) should be limited to replies to Rebuttal Testimony and new affirmative matters will not be accepted. Except for good cause shown, all revisions or corrections to any Prefiled Testimony shall be made in writing and served upon the Administrative Law Judge and the parties no later than five (5) days prior to the commencement of the hearing.

IV. ORDER OF TESTIMONY

Testimony in the evidentiary hearing shall be offered in the following order: Applicant, Intervenors in the order of their intervention, and then the Department. Cross-examination shall be conducted in the same order as the offering of testimony in the evidentiary hearing. If a witness needs a day certain to offer testimony, the sponsoring party should submit to the Administrative Law Judge and other parties a request for testimony on a day certain.

V. EXAMINATION OF WITNESSES

Parties shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.

VI. FILING OF DOCUMENTS

All documents, including Prefiled Testimony but excluding information requests and responses, shall be filed as follows:

A. Fifteen (15) copies of each document shall be filed with the Commission's Secretary for distribution among Commissioners and Commission staff by delivering or mailing to:

Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101-2147

B. One (1) copy shall be served personally or by mail on the attorney for each party of record or, if there is no attorney, upon the party.

C. One (1) copy shall be served personally or by mail on:

Steve Rakow/Mike Alexander
Minnesota Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, MN 55101-2145

D. Four (4) copies shall be served personally or by mail on:

Kathy Brengman
Minnesota Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, MN 55101-2145

E. Pursuant to Minn. Rule pt. 1400.5100, subp. 4, the effective date of filing shall be the date the document is mailed or delivered to the Commission.

F. Proof of service shall be filed with each document.

G. Any document or information filed with or supplied to the Commission or the Commission staff shall be served upon the attorney for each party of record or, if there is no attorney, upon the party.

VII. DISCOVERY ACTIVITIES

All requests for information shall be made in writing to the person from whom the information is sought with a copy of the request mailed to all parties of record. The party responding to the information request shall provide the information requested to the requesting party within ten (10) days after receipt of the request. The information need not be supplied as a matter of course to all other parties. In the event the information cannot be supplied within ten (10) days, the responding party shall notify the requesting party in writing within five (5) days of the request of the reason(s) for not being able to supply the information and the two parties shall work out a schedule of compliance. All disputes concerning the reasonableness of discovery requests and the

timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party.

Dated this _____ day of April 1998.

ALLAN W. KLEIN
Administrative Law Judge